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8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 RAYMOND GARCIA, et al.,

11 Plaintiff(s),

12 v.

13 SERVICE EMPLOYEES INTERNATIONAL  
14 UNION, et al.,

15 Defendant(s).

Case No. 2:17-cv-01340-APG-NJK

AMENDED ORDER

16 The Court has entered a Protective Order to facilitate discovery in this case. This order reminds  
17 counsel that there is a presumption of public access to judicial files and records. A party seeking to file  
18 a confidential document under seal must file a motion to seal and must comply with the Ninth Circuit's  
19 directives in *Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006).

20 The Court has adopted electronic filing procedures. Attorneys must file documents under seal  
21 using the Court's electronic filing procedures. *See* Local Rule IA 10-5. Papers filed with the Court  
22 under seal must be accompanied with a concurrently-filed motion for leave to file those documents  
23 under seal. *See* Local Rule IA 10-5(a).

24 The Court has approved the blanket protective order to facilitate discovery exchanges. But **there**  
25 **has been no showing, and the Court has not found, that any specific documents are secret or**  
26 **confidential**. The parties have not provided specific facts supported by declarations or concrete  
27 examples to establish that a protective order is required to protect any specific trade secret or other  
28 confidential information pursuant to Rule 26(c) or that disclosure would cause an identifiable and

1 significant harm. The Ninth Circuit has held that there is a presumption of public access to judicial files  
2 and records, and that parties seeking to maintain the confidentiality of documents attached to  
3 nondispositive motions must show good cause exists to overcome the presumption of public access. *See*  
4 *Kamakana* 447 F.3d at 1179. Parties seeking to maintain the secrecy of documents attached to  
5 dispositive motions must show compelling reasons sufficient to overcome the presumption of public  
6 access. *Id.* at 1180. **All motions to seal must address the applicable standard and explain why that**  
7 **standard has been met.** The fact that a court has entered a blanket protective order and that a party has  
8 designated a document as confidential pursuant to that protective order does not, standing alone,  
9 establish sufficient grounds to seal a filed document. *See Foltz v. State Farm Mut. Auto. Ins. Co.*, 331  
10 F.3d 1122, 1133 (9th Cir. 2003); *see also Beckman Indus., Inc. v. Int'l Ins. Co.*, 966 F.2d 470, 476 (9th  
11 Cir. 1992).

12 A party shall file under seal any documents designated as confidential by the opposing party (or  
13 any non-party) and shall contemporaneously file a motion to seal those documents. Within seven days  
14 of the filing of such a motion to seal, the designator shall file either: (1) a declaration establishing  
15 sufficient justification for keeping each document at issue sealed or allowing partial redaction, or (2) a  
16 notice of consent to unsealing. If neither filing is made by the designator, the Court may order the  
17 document(s) unsealed without further notice.

18 **IT IS ORDERED** that counsel shall comply with the requirements of Local Rule IA 10-5, the  
19 Ninth Circuit's decision in *Kamakana*, 447 F.3d 1172, and the procedures outlined above, with respect  
20 to any documents filed under seal.

21 DATED: January 15, 2019

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25 NANCY J. KOPPE  
26 United States Magistrate Judge  
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